

## **2016 MESSAGE FROM THE TOWN MODERATOR**

Dear Neighbors:

Please allow me to invite all citizens to North Andover's upcoming Annual Town Meeting on Tuesday evening May 10, 2016 commencing at 7:00PM in the North Andover High School auditorium.

You have allowed me the great privilege of presiding at Town Meeting the past four years. Thank you. During these years I have sought to significantly modernize the functions, rules, reach and conduct of Town Meeting while making deliberate effort to preserve the traditions and procedures of the past that work. Collectively, the deliberate introduction of technology, improved procedures and new rules has made the meeting what I have promised – fair, open and efficient.

At this moment I can report that we will put a pause on new initiatives. As well, there are no rules changes for this upcoming Annual Town Meeting. I will continue to endeavor to conduct the meeting in a manner that offers a more appropriately informal discussion among participants for the purpose of easing voter understanding of the issues to be decided during this vital community conversation that we call Town Meeting.

Your open-minded embrace of the changes made these years has had consequence elsewhere. Communities across the state have noted our initiatives such as use of real time on screen editing of articles, live web streaming and broadcast of proceedings, personal financial disclosure requirements and the appointment of Citizen Advocates to guide attendees in crafting motions or amendments that they wish to present.

Our most far-reaching initiative to allow questions to be submitted from citizens, via email, who cannot attend the meeting itself has garnered significant discussion across the Commonwealth. In this, our third year of allowing more open access to the meeting, there will be at least one other community offering the same opportunity and several more planning to institute our ground-breaking program. These communities share my belief that Town Meeting serves two constituencies – those who attend and participate in the meeting, and those who are governed by what is decided at Town Meeting.

Procedures for accessing the on-line email forum in North Andover will be published two weeks before the meeting on the Town's web site. It is important to note that the power of the meeting remains with those who do take the time and effort to be present, listen, deliberate and vote at the meeting. While all power is in the room, all helpful knowledge may not be in attendance.

Interestingly, there is an effort in the Legislature to allow full remote participation at Town Meeting, including the right to vote. While a full virtual Town Meeting experience will not likely come for many years, I am pleased that we sparked conversations in our Commonwealth to assure that Town Meeting does not become an anachronism – a dinosaur of governance anchored

to history and not relevant to the lives and society in which we live. We in North Andover should be rightfully proud of being pioneers.

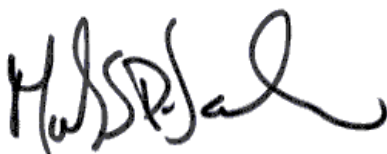
The North Andover Town Charter gives the Moderator the unilateral power to establish rules of parliamentary procedure in simplified form for Town Meeting. Significant new rules of procedure, including the first-ever in the nation requirement of disclosure of personal financial interest, have now been established and part of our practice for four years deserve note for those who have not participated before. If you are a first time participant or just need a refresher please do read the rules below in order to make our deliberative experience together the most productive possible for the entire community.

Participating in our annual community assembly is a hallmark of Open Town Meeting. The general tenure of respectful deliberation and debate are governed by and evidenced in our neighbors' adherence to the three simple behaviors below:

- It is asked that petitioners and follow-up speakers who address the meeting provide only new information in an effort to persuade undecided voters. Continued repetition of previously heard information as a show of support takes time and does little to positively influence the outcome of a vote.
- Please refrain from unnecessary applause or negative responses during discussions.
- Keeping remarks brief and relevant shows respect for the value of your neighbors' time. The most persuasive statements at Town Meeting are often those succinctly stated, disclosing new facts or arguments in an effort to advance a position while retaining the audience's full attention. The five minute speaking time limit will be strictly enforced.

Lastly, please review the Simplified Rules of Parliamentary Procedure, Addendums on Electronic and Visual Presentations, a Glossary of Town Meeting Terms and Participants as well as the Town By-laws that relate to Town Meeting. These rules and other information presented below will be helpful to all who attend, speak and/or present at Town Meeting.

Town Meeting remains a unique tradition – one we are reinventing with each session and initiative we collectively establish. Open Town Meeting remains the most direct and inclusive form of participatory democracy ever utilized in any form of government on this earth. I invite you to contribute to our vital community conversation. Please do attend, as every vote counts - and at Town Meeting many votes have consequential generational impact. Be a part of the future.

A handwritten signature in black ink, appearing to read 'Mark S. DiSalvo', written in a cursive style.

Mark S. DiSalvo  
Town Moderator

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## **2016 NORTH ANDOVER TOWN MEETING SIMPLIFIED RULES OF PARLIAMENTARY PROCEDURE**

The purpose of Town Meeting is to establish and update the By-laws, operational policies, budgets and land use rules that govern our Town. North Andover's Open Town Meeting has been in force as our form of government since 1646. It represents the purest form of democracy in that every vote truly counts. Each registered voter is guaranteed an equal voice in the decisions made by the Meeting. In order to protect the sanctity of that vote, the North Andover Town Charter empowers the Town Moderator to establish the rules of Procedure under which Town Meeting is to be conducted. These rules are historically based on the traditions established by generations of North Andover citizens and by other New England communities, acting as legislators of their local governments.

Specific parliamentary rulings and conduct are governed by the Moderator, using Massachusetts General Laws, the North Andover Charter, North Andover By-Laws, and local tradition as a guideline. The passing of each Town Meeting adds to the rich history – and changes – to that practice and tradition that helps guide future Moderators and meetings. Please know that “Roberts’ Rules of Order” are not applied and have no bearing on conduct of our meeting. Past Moderators have utilized the book “*Town Meeting Time: A Handbook of Parliamentary Law*”, published by the Massachusetts Moderators’ Association, to provide guidance for unusual situations and I have elected to utilize that resource if appropriate.

Town Meetings across the Commonwealth of Massachusetts are similar, but not identical, in the manner in which they are conducted. Local traditions can significantly affect a town's proceedings and help define the role and latitude of the Moderator. At North Andover Town Meetings we will endeavor to present all necessary information in an efficient and timely manner so that the most clarity can be afforded to voters, enabling them to make informed decisions. Voters, in turn, have a unique responsibility. Not only must they express, by vote, the decisions made based upon their own judgment and perspective, but also be cognizant of the effect their vote and/or decision has on all citizens of North Andover.

There are ten simple rules of procedure for North Andover Town Meeting:

1. The first action required after the announcement of any **Article** on the Meeting's **Warrant** is that a **Main Motion** be proposed. The citizen sponsor of an article, Town Board sponsor, or Town Board with an affirmative recommendation, are likely movers of a main motion. The initial motion for the Town budget will be made by the

Finance Committee. Any Town Board or voter may amend the motion for consideration and deliberation of the meeting. All motions must be seconded by a voter other than the person offering the main motion and only then may discussion and debate begin.

2. Any voter wishing to address the meeting must first gain the attention of the Moderator when no other speaker has the floor. Public microphones are to be utilized, where a speaker seeking to be recognized, being courteous to others and those next in line, will call out to be heard by addressing the Moderator. Speakers must introduce themselves using their full name and street address each time speaking at a session of Town Meeting.
3. Once recognized by the Moderator, a speaker is given a turn to speak for up to five (5) minutes and must address the meeting on only the article currently under discussion. Voters not doing so or speaking in a disrespectful fashion may be suspended from speaking on the matter at the discretion of the Moderator. Additional time can be granted by assent of the meeting, by prior arrangement with the Moderator, and at the discretion of the Moderator. Questions are welcome, as well as statements endorsing a position. A voter with a question will take precedence over anyone stating an opinion of support or non-support for an article.
4. Any person who has a financial interest in any article under discussion shall make a disclosure of that interest before speaking. Any person who is a spouse, parent, grandparent, child, brother, sister, or in-law of a person who has a financial interest in an article shall also disclose such relationship before speaking. The employment, whether paid or unpaid, of any person acting as an attorney, engineer, architect, land surveyor, broker, consultant, agent or in any other capacity by a person interested in the article under discussion, shall be disclosed before that person speaks. Violation of such disclosure, or refusal to disclose the required information, if asked, shall result in revocation of the speaker's right to be heard on the matter then before Town Meeting. Disclosure is not generally required of voters who are utilizing and/or are beneficiaries of Town services such as, for example, public safety, public works and public utilities, or parents of children in public schools. However, if the speaker has a personal financial interest beyond what is reasonably available to all eligible citizens then disclosure is required.
5. Town employees and/or appointed or elected officials are required to identify their position and whether or not they are speaking in an official capacity. Such identification shall satisfy the disclosure requirement unless there is a specific matter under discussion that does not involve their official capacity as an employee, appointed or elected official. A blanket initial identification, upon the first opportunity to speak, is acceptable for each session of the meeting unless the individual is not speaking in an official capacity. In such case, the speaker shall be compelled to make a disclosure.

6. All remarks should be addressed to and through the Moderator, for the benefit of all attendees. Direct questioning of others is not permitted. Questions may be directed, through the Moderator, to any petitioner, speaker or official and, if determined germane by the Moderator, the person asked will have the immediate opportunity to answer should they choose.
7. An amendment, changing or limiting the main motion, can be offered during the course of debate. The Moderator may rule an amendment out of order if it is beyond the scope of the warrant article. The Moderator will redirect the discussion to consider the proposed amendment once it is properly before the meeting. Specific wording of any proposed amendment must be made available in writing to the Moderator and Town Clerk before it can be considered. The party proposing such motion shall concisely state, to the meeting, the consequence of the amendment on the existing main motion and/or article being considered. Should reference or context be necessary to provide the meeting with full understanding of the amendment then this shall be allowed at the Moderator's discretion.
8. Respectful deliberation and debate are fundamental to Town Meeting. The Moderator may seek to establish a time limit on a specific article as a guide to the meeting in order to budget time and discussion. The Moderator will discourage repetitious statements. In due course it will become apparent that sufficient information has been presented and voters are ready to make their decision and the Moderator shall so rule. Motions to move the question to a vote are in order and are not generally subject to debate. A motion to move the question requires a 2/3 vote for approval. At the Moderator's discretion, such motion may not be allowed and/or may be subject to debate, particularly if the motion to close debate would restrict informed consideration of the entire meeting and/or comes before an appropriate discussion has taken place on the main motion.
9. Votes are taken by two methods – voice ("Ayes" and "Nays"), or a counted vote ("show of hands") – and declared to be complete by the Moderator when results are announced. The Moderator is empowered to make declaration of two-thirds (2/3), four-fifths (4/5), or other majority. If the determination of a voice vote is doubted, a request by at least seven (7) voters, either rising or standing in place, will mandate the Moderator to request a counted vote. Issues requiring a two-thirds (2/3), four-fifths (4/5), or other majority will be clearly identified to the meeting at the time the article is presented and again at the time of the vote. Articles that require greater than majority votes may be taken by voice and/or a limited counted vote for the efficient conduct of the meeting.
10. There may be no distribution of handouts within the confines of the meeting place at any time during conduct of the Town Meeting. Handouts or other materials may be distributed outside the meeting hall before the check-in stations or placed on the table reserved for such materials by the Town Clerk. It is strongly encouraged that all materials clearly state the author and/or person(s) responsible for the content of the material.

## **Addendum A**

### **Advisory on Electronic and Other Visual Presentations**

Any speaker at Town Meeting wishing to utilize an electronic or other visual presentation must abide by this advisory as well as adhere to all rules regulating conduct of any speaker.

- The use of electronic/visual presentations are limited to provide necessary information that is not easily conveyed in verbal form, such as maps, graphs, charts and photos. The propriety of use is to improve the clarity of information given to the meeting. The Moderator will encourage consolidation of presentation material to benefit the attending voters, and to ensure balance during the debate.
- Electronic/visual presentations by Town agencies, with similar recommendations on an article, are encouraged to consolidate electronic/visual presentations into a single presentation. That presentation, scheduled with the Moderator at least one week prior to a Town Meeting, may utilize up to 15 minutes, with the intent that it will reduce the time needed for multiple presentations and follow-on comment and response. The deadline for submission of a presentation may be waived upon the Moderator's discretion.
- Electronic/visual presentations by any citizen must also be coordinated with the Moderator at least one week prior to Town Meeting.
- All voters in attendance must be able to see and hear any presentation made, regardless of where they are seated in the venue. If this standard cannot be met then the presentation shall not be allowed as no voter, by happenstance of proximity to any presentation, shall have an advantage of more easily viewing any presentation over any other voter. Equipment availability is the responsibility of the petitioner/presenter. Technical assistance and arrangements for display equipment must be coordinated with the Town Clerk and Moderator, at least one week before the meeting. Computers, projectors and screens may be available. Use of an overhead projector is not allowed. Equipment malfunction or any other reason for lack of ability to use any planned electronic or other visual display will not invalidate consideration of the article or keep the body from considering the motion. It becomes the responsibility of the petitioner/presenter to present arguments in another form within the rules of the Town Meeting.

## **Addendum B**

### **Glossary of Town Meeting Terms and Participants**

#### **Town Meeting**

Town Meeting is the duly-called meeting in which all registered voters are eligible to participate. It is the Town's de facto legislature, where fiscal issues, zoning changes, by-law amendments, and other matters affecting the Town are decided. An Annual Town Meeting is held in the spring to decide issues for the following fiscal year, which begins in July. A Special Town Meeting may be called at any time to deal with issues that cannot wait for the next Annual Meeting. A Special Town Meeting is called by vote of the Selectmen or if two hundred (200) voters sign a petition requesting one.

#### **Warrant**

The Warrant is the official public notice of business to be considered at Town Meeting. It will be publicly posted throughout the Town, set a time and place for the meeting, and contain one or more articles. Once the warrant is opened by the Selectmen, articles may be submitted until the stated deadline.

#### **Article**

An Article is the self-described characterization of an issue to be decided at the meeting and must be clearly defined by the petitioner or sponsor. The content of the article must be clearly and completely explained so that voters will fully understand the context and meaning of the article. The **scope** of each article sets the bounds of actions that may be taken. Amendments or motions outside the scope of issues and/or actions presented in the article at the time of posting of the Warrant may not be considered at the meeting. Articles are submitted by Town Boards or agencies, citizen petitions of ten (10) registered voters at Annual Town Meeting, or one hundred (100) registered voters at Special Town Meeting.

#### **Main Motion**

A main motion is required for the meeting to act on a given article and must be within its scope. It may be as simple as "To adopt the article, as printed in the warrant" or a more complex motion, as long as the article's scope is not exceeded. A main motion must be made and seconded for discussion to proceed; a favorable recommendation from the **Finance Committee** will be taken as a main motion, to be then seconded by an individual at the meeting. Affirmative rather than negative main motions are preferred to avoid voter confusion.

#### **Amendments**

Amendments may be offered to a main motion, debated and then accepted or rejected. All amendments must be submitted to the Moderator in writing. Individual amendments will be considered in the normal course of business, in turn. Amendments to amendments will be actively discouraged and generally not allowed unless, in the Moderator's discretion, it provides specific clarity to the issue under consideration. Upon all secondary motions having been voted, voters will return to discussion and vote on the main motion, whether amended or not.

### **Reconsideration**

Reconsideration of an action under any single or multiple article(s) may be proposed only once upon the conclusion of any article and prior to the commencement of the next. Whether offered for reasons of clarity or tactic to preclude reconsideration of votes already taken, the introduction of a motion to reconsider should not be done lightly as once reconsideration is denied, the decision on an article cannot be reversed or altered. However, Town By-law provides the Moderator discretion, for reasons which he shall state to the meeting, to allow a second motion for reconsideration of any action taken by any Town Meeting during that meeting or any previously adjourned session.

### **Adjournment**

A motion of adjournment requires the meeting to convene at a certain future time, date and place.

### **Dissolution**

Dissolution is the final act of a meeting. All issues will have concluded, and future discussion will require another separate meeting and duly posted warrant.

### **Responsible Parties:**

#### **Voters**

Voters are the ultimate decision makers. Voted decisions are binding on the entire Town, including its elected officials, with the exception of resolutions or advisory articles.

#### **Moderator**

The Moderator is the person elected and responsible for the conduct of the meeting. Establishment of rules, procedural rulings, conduct of debate, and voting are vested solely in the Moderator.

#### **Town Clerk**

The Town Clerk is appointed by the Town Manager and is responsible for distributing notices of any Town Meeting, keeping all public records associated with the meetings, and producing the final recorded minutes of actions voted. The Town Clerk's minutes are the only tangible record of debate and voting, and are used in formal enactment of local By-law.

#### **Selectmen**

The Board of Selectmen is an elected body responsible for calling the meeting and setting the warrant. This executive board is often authorized by the meeting to act on the Town's behalf between Town Meetings and oversee its management through the appointed Town Manager.

#### **School Committee**

The School Committee is an elected body responsible for setting policy and directing management of the schools, through its appointed Superintendent of Schools.

#### **Finance Committee**

The Finance Committee is appointed by the Moderator and is responsible for specific recommendations to the Town Meeting on financial and certain other articles. This body of



citizens has the obligation to investigate finance related articles proposed to the meeting and make independent recommendations in the best financial interest of the Town.

### **Planning Board**

The Planning Board is appointed by the Town Manager and is responsible for administering the Town's Zoning By-law. This Board is required to hold hearings and make recommendations on articles which affect zoning or environmental issues.

### **Town Counsel**

Town Counsel is the Town's Attorney, appointed by the Selectmen. Town Counsel will make legal rulings and advise the meeting when that advice is needed.

### **Executives, Staff and Committees**

Many other participants have strong interest in assuring the success of Town Meeting. They propose issues, explain interests and supply information to the voters. Included in this group are the Town Manager, Superintendent of Schools, Town Accountant, Department Heads, and various other Town Committees.

### **Operating Staff**

Significant effort is made to properly organize and operate Town Meeting. Town staff and volunteers provide the necessary support to conduct each Town Meeting and include Registrars of Voters, Voter Check-in Clerks, Counters, Public Safety Officers and Facilities Personnel of the building in which the meeting is held.

## **Addendum C**

### **Town Bylaw Affecting Town Meeting – Chapter 59**

#### **§ 59-1 Adjournment.**

When a Town Meeting shall be adjourned to a time certain that is more than fourteen (14) days from the time of adjournment, the Town Clerk shall cause notice of the time and place of such adjourned meeting to be duly posted in three (3) or more public places in each precinct in the town two (2) days at least before the time of holding said adjourned meeting, which notice shall also briefly state the business to come before such meeting.

#### **§ 59-2 Quorum.**

There is no quorum requirement for Annual or Special Town Meetings.

#### **§ 59-3 Reconsideration Vote.**

Unless the Moderator shall otherwise rule, for reasons which he shall state to the meeting, no second motion for the reconsideration of any action taken by any Town Meeting shall be entertained during that meeting or any adjourned session thereof.

#### **§ 59-4 Secret Ballots.**

Upon motion duly made and seconded, at any Annual or Special Town Meeting, and upon the affirmative vote of at least twenty-five percent (25%) of the voters present at said Annual or Special Town Meeting, any Article in the warrant for said Annual or Special Town Meeting shall be voted upon by Australian (secret) ballot.

#### **§ 59-5 Information Required for Consideration of Articles.**

A. The sponsor of any Article requiring the raising and/or appropriation of town funds shall provide to the Town Manager and to the Finance Committee the following information:

1. Total estimated dollar cost of the Article including:
  - a. Start-up costs.
  - b. Reoccurring annual costs, including any increase in personnel and/or equipment purchases.
  - c. Source of estimate.
2. Estimate of any possible revenues the project might generate.
3. Proposed source and/or mechanism for funding.
4. Reason(s) for the request, including but not limited to need.
5. Population group most likely to benefit or be affected by the project.
6. Possible alternatives to the requested proposal.
7. Schedule or time frame for completion of the project.
8. Any motions that would be introduced to support the Article as submitted.

B. This information shall be provided within two (2) days after the final fixed date for receiving Articles into the warrant for the Annual or any Special Town Meetings.

**§ 59-6 Annual Town Meeting**

The Board of Selectmen shall vote to set the date of the Annual Town Meeting in accordance with Chapter 39 §9 of Massachusetts General Laws. Chapter 39 also permits the Board of Selectmen to postpone by vote an Annual Town Meeting. Any such postponement shall be held on any weekday evening Monday through Thursday at 7:00 p.m. until all articles in the warrant have been acted upon.

**§ 59-7 Votes to be Declared by the Moderator**

The Moderator may take all votes requiring a two-thirds majority in the same manner in which he or she conducts the taking of a vote when a majority vote is required.